material testimony, but that the disobedient witness should rather be fined for contempt. See *Parker* v. *State, supra.* But whenever the presence of the witness during the other testimony is likely to prejudice seriously the opposing side, even though the jury have been instructed that the violation should impair the credibility of the testimony, the court should have discretion to exclude this evidence. In this event one of the two litigants must suffer, and it is just that the burden should fall on the party whose witness was disobedient. See 14 HARV. L. REV. 475, 492.

BOOK REVIEWS

THE CRIMINAL JUSTICE ADMINISTRATION ACT, 1914. By Neville Anderson. London: Stevens and Haynes. 1914. pp. 126.

The last volume of the English statutes, containing as it does almost entirely enactments dating from that fateful third of August, 1914, is apt to be of future interest much more to statesmen and historians than to lawyers and social reformers. It constitutes a most impressive body of war measures, dealing with finance, commerce, the defense of the realm, the security of food supply, the treatment of aliens, etc., etc. But even during those overwhelming days, a few acts, then in the process of legislation, reached passage, which are of importance beyond the exigencies of war time and of practical interest beyond the confines of England. Of these is the Criminal Justice Administration Act, 1914 (4 & 5 Geo. V, ch. 58).

This Act affects important changes in the administration of the criminal law in England. Its two main purposes are stated with summary accuracy in the title — "an Act to diminish the number of cases committed to prison [and] to amend the Law with Respect to the Treatment and Punishment of young delinquents."

The Prevention of Crimes Act, 1908 (8 Edw. VII, ch. 59), marked a decided change in the treatment of juvenile adult offenders (those between the ages of sixteen and twenty-one). The educative and preventive treatment of such delinquents, and the beginnings of a probationary system to make it effective, commenced by that Act, have now been extended. Juvenile adult offenders who have been sentenced to a payment of a fine may now be placed under the supervision of probation officers pending such payment and, before finally issuing a commitment for non-payment, a report of a probation officer as to the conduct and means of the offender is to be considered by courts of summary jurisdiction (Section 1 (3)). Even more important is the extension of the Borstal system (*i. e.*, industrial reformatory institutions for youthful delinquents). Under the Prevention of Crimes Act, 1908, sentences of detention in Borstal institutions could be imposed only in a limited number of cases. The present Act extends the scope of such detentions to every case where an offender is summarily convicted of an offense for which a sentence of imprisonment of one month or upwards, without the option of a fine, may be imposed, provided that such offender has been previously convicted or has failed to observe the recognizance on a previous discharge on probation and "it appears to the court that, by reason of the offender's criminal habits or tendencies or associations with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime" (Section 10 (1)). Experience has demonstrated that a longer period of detention and supervision is necessary to give the Borstal system a fairer chance

of proving itself than was provided by the Act of 1908. Therefore, the minimum period of detention has now been extended from one year to two years, and, after discharge from an institution, the supervisory authority of the prison commissioners is now extended from six months to one year (Section 11). While no change has been made in the extent of the juvenile court legislation embodied in the important Children Act of 1908 (8 Edw. VII, ch. 67, Section 111 *et seq.*), particularly so as to extend the age limit of children under its protection above the age of fourteen, in the light of the tendency manifested by the new Act it does not seem rash to express the belief that, when England will again be permitted to think beyond matters of national defense, English legislation will adopt the natural development of this subject indicated by our experience under the juvenile court acts of the more advanced States. (See Judge Mack on the "Juvenile Court" in 23 HARV. L. REV. 204.)

Notable improvement is made by the Act likewise in the treatment of adult offenders. Section 1 now makes it obligatory upon courts of summary jurisdiction to allow time for the payment of fines, subject to appropriate exceptions. It is interesting to note that this method of stimulating industry by enabling a delinquent to earn the means of paying his fine has been worked out by some of our federal judges under makeshift probationary systems without any machinery provided by law. Of course, such a method of administration should not depend upon the chance interest of an overburdened judiciary, but should be carefully worked out through legislation and through the necessary administrative personnel to help in its enforcement. Sections 12 and 13 of the Act confer new powers upon summary courts of jurisdiction in dealing with offenders by allowing "detention" in lieu of "imprisonment" in cases of short sentences, to wit, sentences for a less period than five days. Clearly this is a conservative recognition of the deep psychological fact that the social interest of the state as to certain delinquents is adequately enforced through detention, and that the stigmatizing implications of imprisonment involve in such cases a real loss to the community. Even in so rigorously practical an institution as the army this principle has been applied. In the case of certain military offenders, in the place of prisons, detention barracks have been established, and this system, under the administration of Judge Advocate-General Crowder, is showing most promising results. Of course, in all these matters we must go slow and be wary of general theory; no less wary when our humanitarianism responds to such theory. The problem here as elsewhere is to draw lines, not unalterable ones at that, based on dependable data.

The present Act makes other minor changes in criminal procedure and administration, all of which have been carefully indicated in the convenient annotations to the Act which Mr. Anderson has given us. One of these provisions (Section 17), empowering the Home Secretary to "appropriate either wholly or partially particular prisons within his jurisdiction to particular classes of prisoners," is apt to arouse the envy of American executives like the Governor of Massachusetts, — and with good reason. A proper overhauling and coördination of our prison systems to fit the need of the present generation is a pressing problem in many States. F. F.

THE JUVENILE COURT AND THE COMMUNITY. By Thomas D. Eliot. New York: The Macmillan Company. 1914. pp. xv, 234.

"When is a Juvenile Court not a Juvenile Court?" This query, which forms the caption to one of the chapters in Mr. Eliot's book, might well have been applied to the entire volume. The functions of the Juvenile Court are